

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION

GENERAL PROTECHT GROUP, INC., f/k/a
ZHEJIANG DONGZHENG ELECTRICAL,
CO.; G-TECH GLOBAL CORPORATION;
SECURELECTRIC CORPORATION;
WAREHOUSE-LIGHTING.COM LLC;
CENTRAL PURCHASING, LLC; and
HARBOR FREIGHT TOOLS USA, INC.,

Plaintiffs,

Civ. No. 10-cv-01020-JB-LFG

v.

LEVITON MANUFACTURING CO., INC.,

Defendant.

**DECLARATION OF SHAUN R. SNADER IN SUPPORT OF DEFENDANT LEVITON
MANUFACTURING CO., INC.'S OPPOSITION TO PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

DECLARATION OF SHAUN R. SNADER

1. I am an attorney with the law firm of Wilson Sonsini Goodrich & Rosati P.C., and I represent Defendant Leviton Manufacturing Co., Inc. ("Leviton") in the captioned litigation.
2. I make this declaration in support of Leviton's opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction.
3. A true and correct copy of the front page of U.S. Patent No. 7,463,124 ("the '124 patent") and the claims of the '124 patent are attached hereto as Exhibit A. The front page of the '124 patent shows that the '124 patent issued on December 9, 2008 from application no. 10/977,929 ("the '929 application"), which was filed on October 28, 2004.
4. The U.S. Patent and Trademark Office ("USPTO") provides a website, <http://portal.uspto.gov/external/portal/pair>, through which interested persons can check the status of patents and pending patent applications. Using this website, an interested person could have determined that the '929 application was filed as a continuation of the application that matured into U.S. Patent No. 6,864,766 ("the '766 patent"). This information would have been available on or shortly after the filing date of the '929 application.
5. The '929 application was published by the USPTO on March 24, 2005 as U.S. Published Patent Appl. No. 2005/0063110 ("the '110 publication"). A true and correct copy of the front page of the '110 publication is attached hereto as Exhibit B.
6. Based on applicable law and regulations, including 35 U.S.C. § 120, Leviton could file continuation applications of the '929 application so long as it was pending at the USPTO.

7. A true and correct copy of the front page of U.S. Patent No. 7,764,151 ("the '151 patent") and the claims of the '151 patent are attached hereto as Exhibit C. The front page of the '151 patent shows that the '151 patent issued on July 27, 2010 from application no. 12/176,735, which was filed on July 21, 2008, as a continuation of the '929 application.

8. A true and correct copy of the procedural schedule set in *In re Certain Ground Fault Circuit Interrupters and Products Containing Same*, Inv. No. 337-TA-739 is attached hereto as Exhibit D.

9. A true and correct copy of a letter I received from Ann G. Fort with the law firm of Sutherland Asbill & Brennan LLP dated October 13, 2010 is attached hereto as Exhibit E.

10. A true and correct copy of the front page of U.S. Patent Nos. 6,246,558 ("the '558 patent") and the claims of the '558 patent are attached hereto as Exhibit F.

11. A true and correct copy of the front page of 6,864,766 ("the '766 patent") and the claims of the '558 patent are attached hereto as Exhibit G.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 12th day of November, 2010 in Washington, DC.



Shaun R. Snader